

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MITCHELL REPAIR INFORMATION
COMPANY, LLC,

Plaintiff,

v.

GARDEN STATE TRUCK & AUTO, INC.
al.

Defendant.

Civil Action No. 12-cv-4698 (PGS)

**ORDER OF DEFAULT
JUDGMENT**

Whereas this matter is before the Court on a motion for default judgment against Defendants Garden State Truck & Auto (Defendant); and

Whereas the Court has considered the motion for default judgment and supporting documents; and

Whereas the Court does not find sufficient evidence to enter an award of punitive damages notwithstanding the vulgar response of Defendant to Plaintiff's demand to cease using Mitchell On-Demand software (see page 4 of Plaintiff's brief); and

Whereas Defendant has failed to answer or otherwise respond to the allegations in the Complaint and the Clerk having entered default (ECF No. 8); and

Whereas Defendant has infringed on Plaintiff's copyright; and the amount of statutory damages found is \$2,500.00; and

Whereas Plaintiff's attorneys' fees in the amount of \$14,577.00 are reasonable; and for good cause having been shown;

It is on this 2nd day of January, 2013;

ORDERED and adjudged:

1. Garden State Truck & Auto, Inc. and all persons acting within its control or direction, are hereby immediately and permanently enjoined from infringing, contributing to the infringement of and or inducing the infringement of Plaintiff's copyrighted software, including but not limited to Mitchell On-Demand;
2. Garden State Truck & Auto, Inc. and all persons under its control shall immediately return to Plaintiff all unauthorized copies of Plaintiff's copyrighted material (Mitchell On-Demand) that are within Defendant's custody or control;
3. Defendant shall pay to Plaintiff statutory damages in the amount of \$2,500.00 for a violation of the Copyright Act of 1976, 17 U.S.C. Sec. 504(c)(1); plus reasonable attorneys' fees incurred by Plaintiff in the amount of \$14,577.00; for a total award of \$17,077.00 plus costs of suit.



PETER G. SHERIDAN, U.S.D.J.